

House Study Bill 204

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON JOCHUM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing a voter to register to vote and to vote after
2 regular registration and prior to voting in an election.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2469HC 82
5 sc/gg/14

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1 1 Section 1. NEW SECTION. 48A.7A ELECTION DAY AND
1 2 IN=PERSON ABSENTEE REGISTRATION.
1 3 1. a. A person who is eligible to register to vote and to
1 4 vote may register on election day by appearing in person at
1 5 the polling place for the precinct in which the individual
1 6 resides and completing a voter registration application,
1 7 making written oath, and providing proof of identity and
1 8 residence.
1 9 b. For purposes of this section, a person may establish
1 10 identity and residence by presenting to the appropriate
1 11 precinct election official a current and valid Iowa driver's
1 12 license or Iowa nonoperator's identification card or by
1 13 presenting a current and valid form of photographic
1 14 identification approved by rule by the state registrar of
1 15 voters. If the photographic identification presented does not
1 16 contain the person's current address in the precinct, the
1 17 person shall also present a current document that shows the
1 18 person's name and address in the precinct. The state
1 19 registrar of voters by rule shall designate which documents
1 20 are acceptable to show proof of residency.
1 21 c. In lieu of paragraph "b", a person wishing to vote may
1 22 establish identity and residency in the precinct by written
1 23 oath of a person who is registered to vote in the precinct.
1 24 The registered voter's oath shall attest to the stated
1 25 identity of the person wishing to vote and that the person is
1 26 a current resident of the precinct. The oath must be signed
1 27 by the attesting registered voter in the presence of the
1 28 appropriate precinct election official. A registered voter
1 29 who has signed an oath on election day attesting to a person's
1 30 identity and residency as provided in this paragraph is
1 31 prohibited from signing any further oaths as provided in this
1 32 paragraph on that day.
1 33 2. The oath required in subsection 1, paragraph "a", and
1 34 in paragraph "c", if applicable, shall be attached to the
1 35 voter registration application, and the information contained
2 1 in the oath shall be recorded on the voter registration
2 2 records of the person registering to vote and on the voter
2 3 registration records of the registered voter attesting by oath
2 4 on behalf of a person registering to vote if applicable.
2 5 3. At any time before election day, a person who appears
2 6 in person at the commissioner's office or at a satellite
2 7 absentee voting station after the deadline for registration in
2 8 section 48A.9, may register to vote and vote an absentee
2 9 ballot by following the procedure in this section for
2 10 registering to vote on election day. A person who wishes to
2 11 vote in person at the polling place on election day and who
2 12 has not registered to vote before the deadline for registering
2 13 in section 48A.9, is required to register to vote at the
2 14 polling place on election day following the procedure in this
2 15 section.
2 16 4. The form of the written oaths required in this section
2 17 shall be prescribed by rule by the state registrar of voters.
2 18 Sec. 2. Section 48A.9, subsection 1, Code 2007, is amended

2 19 to read as follows:

2 20 1. Registration closes at five p.m. eleven days before
2 21 each election except primary and general elections. For
2 22 primary and general elections, registration closes at five
2 23 p.m. ten days before the election. An eligible elector may
2 24 register during the time registration is closed in the
2 25 elector's precinct but the registration shall not become
2 26 effective until registration opens again in the elector's
2 27 precinct, except as otherwise provided in section 48A.7A.

2 28 Sec. 3. NEW SECTION. 48A.26A ACKNOWLEDGMENT OF ELECTION
2 29 DAY AND IN=PERSON ABSENTEE REGISTRATION FORM.

2 30 1. Within forty=five days of receiving a voter
2 31 registration form completed under section 48A.7A, the
2 32 commissioner shall send an acknowledgment to the registrant,
2 33 in the manner provided in section 48A.26, subsections 2
2 34 through 5, as applicable, at the mailing address shown on the
2 35 registration form. The acknowledgment shall be sent by
3 1 nonforwardable mail.

3 2 2. If the acknowledgment is returned as undeliverable by
3 3 the postal service, the commissioner shall attempt to contact
3 4 the voter by forwardable mail. If the voter does not respond,
3 5 the commissioner shall cancel the registration and shall
3 6 immediately notify the state registrar of voters and the
3 7 county attorney.

3 8 Sec. 4. Section 49.77, subsection 4, Code 2007, is amended
3 9 to read as follows:

3 10 4. a. A person whose name does not appear on the election
3 11 register of the precinct in which that person claims the right
3 12 to vote shall not be permitted to vote, unless the person
3 13 affirms that the person is currently registered in the county
3 14 and presents proof of identity, or the commissioner informs
3 15 the precinct election officials that an error has occurred and
3 16 that the person is a registered voter of that precinct. If
3 17 the commissioner finds no record of the person's registration
3 18 but the person insists that the person is a registered voter
3 19 of that precinct, the precinct election officials shall allow
3 20 the person to cast a ballot in the manner prescribed by
3 21 section 49.81.

3 22 b. If the voter informs the precinct election official
3 23 that the voter resides in the precinct and is not registered
3 24 to vote, the voter may register to vote pursuant to section
3 25 48.7A and cast a ballot. If such a voter is unable to
3 26 establish identity and residency in the manner provided in
3 27 section 48.7A, subsection 1, paragraph "b" or "c", the voter
3 28 shall be allowed to cast a ballot in the manner prescribed by
3 29 section 49.81.

3 30 c. A person who has been sent an absentee ballot by mail
3 31 but for any reason has not received it shall be permitted to
3 32 cast a ballot in person pursuant to section 53.19 and in the
3 33 manner prescribed by section 49.81.

3 34 EXPLANATION

3 35 This bill allows a person to register to vote after the
4 1 normal statutory deadline for registration for an election and
4 2 to vote in that election.

4 3 The bill provides that a person eligible to register to
4 4 vote and to vote may register in person at the polling place
4 5 on election day by completing a voter registration form,
4 6 making written oath, and providing proof of identity and proof
4 7 of residency in the precinct. If the person does not have
4 8 such proof, the bill allows identity and residency in the
4 9 precinct to be established by written oath of a registered
4 10 voter of the precinct. The bill allows a person who cannot
4 11 establish identity and residency in the precinct by either of
4 12 these methods to vote a provisional ballot.

4 13 The bill also provides that at any time before election day
4 14 and after the normal deadline for registering to vote, a
4 15 person may vote absentee at the commissioner's office or at a
4 16 satellite absentee voting station by registering in the same
4 17 manner as registration may be accomplished on election day.

4 18 The bill requires the county commissioner of elections to
4 19 send acknowledgment of election day and in=person absentee
4 20 registrations within 45 days of receiving the voter
4 21 registration form. If the acknowledgment is returned as
4 22 undeliverable, the commissioner is required to attempt contact
4 23 by forwardable mail. If the voter does not respond, the
4 24 commissioner is required to cancel the registration and
4 25 immediately notify the state registrar of voters (secretary of
4 26 state) and the county attorney.

4 27 LSB 2469HC 82

4 28 sc:rj/gg/14